

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
 vs.) CASE NO. 5:18-CR-452-1FL
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)
LEONID ISAAKOVICH TEYF,)
)
)
 Defendant.)
)
)
UNITED STATES OF AMERICA)
)
)
 vs.) CASE NO. 5:18-CR-452-1FL
)
)
TATYANA ANATOLYEVNA TEYF)
)
)
 Defendant.)
)

FRIDAY, JULY 9, 2021
SENTENCING HEARING
HELD IN RALEIGH, NORTH CAROLINA
BEFORE THE HONORABLE LOUISE W. FLANAGAN
UNITED STATES DISTRICT JUDGE

MICHELLE A. McGIRR, RMR, CRR, CRC
Official Court Reporter
United States District Court
Raleigh, North Carolina

APPEARANCES:

On Behalf of the Government:

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On Behalf of the Defendant:

(Leonid Isaakovich Teyf)

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(Tatyana Anatolyevna Teyf)

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USPO:

REBECCA RABONE

INTERPRETERS:

TATYANA DRAGA
ROMAN VOLSKY

(Friday, July 9, 2021)

P R O C E E D I N G S

(The defendant, Leonid Isaakovich Teyf, escorted into the courtroom
at 9:55 a.m.)

(The defendant, Tatyana Anatolyevna Teyf, coming forward to counsel table from the gallery at 9:55 a.m.)

(Open Court at 10:03 a.m.)

THE COURT: All right. Well, good morning.

(All say good morning)

THE COURT: As the first order of business, would the clerk administer the oath to our interpreters.

THE CLERK: Please raise your right hand. Please state your name.

INTERPRETER DRAGA: Tatyana Draga.

INTERPRETER VOLSKY: Roman Volsky.

(Interpreters, Tatyana Draga and Roman Volsky, affirmed by the
deputy clerk)

INTERPRETER DRAGA: I do.

INTERPRETER VOLSKY: I do.

THE COURT: Thank you.

As a matter of the record, I'll facilitate introductions.

And on behalf of the Government.

24 MR. KELLHOFER: Yes, your Honor. Jason Kellhofer
25 representing the United States along with AUSA Matthew Fesak.

1 THE COURT: All right. Thank you.

2 MR. ALLEN: Good morning, your Honor. For Leonid Teyf,
3 Hill Allen from Tharrington Smith. Robert Wolf and Dmitry Petrov --
4 and Mr. Petrov has filed a notice of appearance -- from Moses &
5 Singer in New York City.

6 THE COURT: All right. Thank you.

7 And, of course, Mr. Teyf is here.

8 DEFENDANT LEONID ISAAKOVICH TEYF: Good morning, your
9 Honor.

10 MR. ZESZOTARSKI: Good morning, Your Honor. Joe
11 Zeszotarski and David Long for Ms. Teyf, who's seated next to us
12 here.

13 THE COURT: All right. Thank you very much.

14 So the Court has before it plea agreements entered into
15 by both defendants that are inextricably united in their provisions
16 and terms. Each depends on the acceptance of the Court's plea of
17 the other from my reading of these agreements.

18 Briefly, to summarize, if the Court accepts Mr. Teyf's
19 plea agreement, he agrees to plead guilty to Counts 27, 31 and 44.

20 He also agrees to forfeit and/or abandon all his interest
21 in monies voluntarily surrendered by the defendant to Government
22 agents or cooperators, an additional amount -- in addition to what's
23 held in evidence -- of assets totaling \$5,900,241.72.

24 He agrees to the immediate withdrawal of any previously
25 filed claim or request for action in an FBI case pending.

1 He agrees to entry of a declaration of forfeiture to
2 property listed separately in paragraph (1) on page 3 of the
3 agreement. And that's the amount that totals that sum of slightly
4 less than six million variously kept by different financial
5 institutions. As well as a Ruger pistol with an obliterated serial
6 number.

7 And the money that's held in evidence, that I previously
8 mentioned, is individually or described in the parcels as listed in
9 paragraphs a through g on page 4 and it looks like roughly that
10 totals about \$50,000, give or take.

11 And this forfeiture is joint and several with Ms. Teyf as
12 her forfeiture of the same, excluding the pistol. I don't believe
13 she declares any interest in that. It's joint and several with Mr.
14 Teyf.

15 Mr. Hill Allen, you're going to become possessor of an
16 arsenal, it appears, and I'm sure you've got plans for disposal of
17 that.

18 MR. ALLEN: Yes, your Honor.

19 THE COURT: And the defendant agrees to entry of a
20 stipulated judicial order of removal. He admits he's a native of
21 Belarus, a citizen of Russia and a citizen of Israel. He's not a
22 citizen of this country and has no claim to acquired or derivative
23 citizenship and he agrees to enter into a stipulated judicial order
24 of removal.

25 The provisions of the same recite his first choice of

1 being removed to Belarus; his second choice, Israel. And if Israel
2 won't accept him, his third choice of Russia.

3 The Government agrees to certain points or provisions,
4 including that it will seek a sentence today of 5 years'
5 imprisonment for Count 27 and Count 31 and a 36-month term to run
6 concurrently on Count 44.

7 In Mr. Teyf's plea agreement, the Government agrees it
8 will accept the plea from Mrs. Teyf providing for the same
9 forfeiture provisions. It will dismiss all counts of the fourth
10 superseding indictment against her and it will not seek any sentence
11 of imprisonment against Ms. Teyf.

12 Should the Court accept the plea agreement and Ms. Teyf's
13 counter-part agreement, the entry of a final criminal judgment with
14 respect to this defendant and Ms. Teyf, the United States agrees it
15 will withdraw the notices of *lis pendens* previously filed with
16 respect to certain real property.

17 The United States agrees it will instruct the Federal
18 Bureau of Investigation or the United States Marshal Service to
19 release remaining personal property of the defendant not subject in
20 accordance with the agency's established policies -- I'm sorry, in
21 accordance with the agency's established policies and procedures and
22 the Government refers to a time frame of posthaste.

23 What is posthaste, Mr. Kellhofer?

24 MR. KELLHOFER: Your Honor, our intent is to do
25 immediately within the -- after acceptance of the plea, your Honor.

1 THE COURT: Is immediately three days, one day,
2 seven days?

3 MR. KELLHOFER: Within a week, your Honor.

4 THE COURT: Within seven days. Okay.

5 MR. KELLHOFER: Yes, your Honor.

6 THE COURT: And this plea agreement is executed fully by
7 Mr. Teyf, the Government, through Ms. Kocher, and counsel.

8 And Ms. Teyf's plea agreement, I've implicitly referenced
9 is before the Court, recites in pertinent part as noticed by me with
10 respect to Mr. Teyf.

11 She acknowledges that pleading guilty may have
12 consequences with respect to her immigration status if she is not a
13 natural born citizen of this country.

14 The plea agreement provides that under federal law, a
15 broad range of crimes are removable offenses, including the offense
16 or offenses to which the defendant is pleading guilty. And some
17 offenses create a presumption of mandatory removal.

18 Removal and other immigration consequences, she notes,
19 are the subject of a separate proceeding. However, and the
20 defendant understands that no one, including her attorney, including
21 the Court, can predict with certainty the effect of her conviction
22 on her immigration status.

23 The defendant, nevertheless, affirms through this plea
24 agreement that she wants to plead guilty regardless of any
25 immigration consequences that may result from this conviction,

1 including her automatic removal from the United States, denial of
2 citizenship, denial of admission to this country in the future,
3 denaturalization and any other similar consequences.

4 Again, the United States agrees to dismiss in its
5 entirety the fourth superseding indictment against this defendant
6 only and it will dismiss its motion to show cause with prejudice and
7 it will not seek to prosecute a related contempt charge against the
8 defendant or the co-defendant, Mr. Teyf.

9 The United States agrees to a sentence which includes no
10 term of imprisonment.

11 So Ms. Teyf, have you read the pre-sentence report?

12 DEFENDANT TATYANA ANATOLYEVNA TEYF: Yes, I have.

13 THE COURT: I'm going to invite everybody to stay seated.
14 It's my way of compensating for the fact that we speak to one
15 another through these masks, but keep your microphone front and
16 center.

17 And, Ms. Teyf, you're going to need to borrow one right
18 there. Yes. So you said you had read it?

19 DEFENDANT TATYANA ANATOLYEVNA TEYF: Yes, I have.

20 THE COURT: Was it translated for you into Russian or
21 could you read it in English?

22 DEFENDANT TATYANA ANATOLYEVNA TEYF: I have a chance to
23 read it in English. I was okay with understanding. I am fully
24 understand what I've read.

25 THE COURT: Okay.

1 Counsel, did you want to add something?

2 MR. LONG: Just trying to get this over here so she can
3 sit down, your Honor.

4 THE COURT: Okay. Very good.

5 Are you ready to be sentenced today?

6 DEFENDANT TATYANA ANATOLYEVNA TEYF: Yes, your Honor.

7 THE COURT: Okay. Mr. Teyf, I ask you the same question,
8 but I want to make sure -- because you say you don't understand
9 English, that you can't read it or speak it from my review of the
10 record. Was the pre-sentence report translated for you into
11 Russian?

12 He's got to take his --

13 DEFENDANT LEONID ISAAKOVICH TEYF: Yes, your Honor.

14 THE COURT: He's got to take his interpretation from the
15 Court's interpreter, not from counsel. I know you speak Russian,
16 but defer to those individuals, okay.

17 MR. WOLF: Your Honor, I don't speak Russian.

18 THE COURT: You don't?

19 MR. WOLF: I don't. And I didn't say anything to him. I
20 just leaned over -- I don't think he was aware your Honor was -- you
21 were addressing him.

22 THE COURT: Okay. Well, I didn't mean to --

23 MR. WOLF: Not a problem.

24 THE COURT: -- suggest that you were -- okay. All right.

25 So, again, did you understand the pre-sentence report?

1 DEFENDANT LEONID ISAAKOVICH TEYF: Yes, your Honor. I
2 understood.

3 THE COURT: Okay. Are you ready to be sentenced today?

4 DEFENDANT LEONID ISAAKOVICH TEYF: Yes, I am ready.

5 THE COURT: Okay.

6 The report for each defendant gives the Court much
7 background information -- much background information about the
8 offenses at issue here today. Your family background and education,
9 your health is discussed, your work activities. All of this
10 information I've read.

11 So let me turn my attention to the Government where I am
12 required to consider the advice of the Guidelines and the Guidelines
13 advise, with respect to Mr. Teyf, a sentence that's substantially
14 greater than what the United States has negotiated with the
15 defendant. And of course, if I accept it, I'm bound by that.

16 Mr. Kellhofer, what can you say in furtherance of your
17 negotiated resolution with this defendant that gives the Court
18 assurances that this comports with the law, that this sentence is
19 one that recognizes his background and his history and the nature
20 and circumstances of the offenses and protects the public, will
21 discourage this type of conduct in the future and will promote
22 respect for the laws of this country.

23 Can you give the Court some background on that.

24 MR. KELLHOFER: Yes. (Standing at counsel table).
25 Sorry, your Honor. It's a habit.

1 THE COURT: It is a habit.

2 MR. KELLHOFER: Your Honor, I think as your Honor has
3 stated, you have a plethora of facts before you regarding the
4 offenses and whatnot. I would say with regard to the offenses, you
5 know, the Government's case, as you're aware, began as essentially a
6 white collar offense or offenses that were being investigated; and
7 through that, it is the Government's position that that evidence has
8 displayed an individual who acts corruptly, who came to the country,
9 as is within the charge.

10 That began with an individual taking advantage of the
11 systems within the United States, the immigration system in that
12 instance, and then progressed on to misuse of the financial systems
13 within the U.S. And that's represented through the tax count
14 through which he is pleading guilty here today.

15 And then the Government's case took a bit of a turn in
16 terms of investigation, unexpectedly, with regard to the
17 circumstances surrounding the infidelity suspected by Mr. Teyf of
18 his wife. And then at that point, he became pretty hell bent on
19 revenge.

20 And through the Government's review of the evidence,
21 became truly completely focused on that one subject, that clearly
22 began to take over the man's life.

23 Now, our evidence, had we proceeded to trial, we believe,
24 would have presented some evidence in the past of potentially
25 abusive behavior by the defendant towards his wife as well as a

1 willingness to engage in at least some low levels of violence in
2 relation to corrupt practices in Russia.

3 So I say all that to say that the Government's evaluation
4 here did largely center on that last aspect, your Honor. Because
5 while certainly financial crimes are absolutely worth pursuing and
6 whatnot and they have harms, direct and indirect, obviously physical
7 violence is of more immediate concern.

8 We did conclude, based on our review of quite a bit of
9 evidence, that this was focused on one circumstance and one
10 individual, which we do feel worthy of note in terms of the
11 individual's threat to society at large.

12 So that's one factor that largely went into our
13 evaluation and discussions with my respected colleagues at the
14 defense counsel table. And I think that directly pertinent to the
15 question of an individual's threat in the future, at least
16 physically, your Honor.

17 I will say that, additionally, had some effect on our
18 decision with regard to how to plead with Mrs. Teyf in that it is
19 the Government's position that while her deportation status will be
20 a matter resolved elsewhere and through other agencies, I, you know,
21 as a representative from this case, am convinced that she would be
22 putting herself at harm potentially in leaving the country.

23 So we were not keen, your Honor, towards fully pressing
24 or demanding a charge that guaranteed deportation, if you will.

25 THE COURT: Can I interject here? So you think if she

1 leaves the country, she may risk harm in Belarus or Russia?

2 MR. KELLHOFER: I believe that Mr. Teyf has a lot of
3 money and that throughout the evidence in this case, he has
4 displayed the belief that his money puts him above the law and he
5 will hire people or pay people to do things; and specifically here,
6 there was a willingness and a desire to harm both the paramour, from
7 the facts, as well as Mrs. Teyf. Yes, your Honor.

8 And so it would be our position that, yes, she would
9 likely be risking herself or making that choice to put herself at
10 potential risk to go to some of those countries or areas where we
11 believe Mr. Teyf would still have a large amount of influence
12 through his financial means.

13 That being said, your Honor, the Government has put a
14 large amount of effort into this case certainly, but we have
15 additionally recognized -- and it's our job to fully evaluate a case
16 as to whether or not -- despite whether we fully believe it --
17 whether we can bear the burden of proving it beyond a reasonable
18 doubt.

19 We've had multiple discussions with defense counsel, and
20 as you are fully aware, there's been multiple discussions via
21 filings and quite a bit of litigation. We have to evaluate that and
22 we've done so, particularly in the realm, your Honor, of 404(b)
23 issues that would arise, that would require extensive briefing to
24 even allow your Honor to rule on it.

25 We believe the trial -- or the trials would take up, with

1 regard to all individuals, at least six to eight weeks for both Mr.
2 and Mrs. Teyf to be completed. And we have, as your Honor is aware,
3 through our filings, substantial concerns about the safety of
4 background information related to certain witnesses.

5 And then another matter, your Honor, to be perfectly
6 frank, is that we are dealing with -- while we believe these to be,
7 I suppose, current charges that deal within the statute of
8 limitations certainly, but revolve largely around facts that are
9 quite a bit historical and occurred in other countries.

10 All of that is to say that we recognize the risks and
11 those risks have been appropriately pointed out through zealous
12 representation by the defense.

13 In evaluating all of that, your Honor, we've decided that
14 this plea is one that is justice achieved for the citizens of the
15 Eastern District of North Carolina to the extent that we believe we
16 can secure that.

17 To be frank, as I told, I think, defense counsel during
18 one of our meetings, that often, in my view, compromise means
19 everybody leaves a little bit dissatisfied. And to be frank, from
20 the United States' perspective, this is an individual who's
21 committed a number of crimes, who was engaging in seeking violence
22 against an individual, up to and including death, and certainly is
23 worthy of prosecution.

24 Nonetheless, we feel that a five-year sentence, given the
25 situation that exists and a substantial financial impact through the

1 roughly -- I believe right around six million -- as well as the
2 other provisions and a guaranteed deportation.

3 All of those, your Honor, lead us to conclude that this
4 is a deal, a plea deal, that achieves justice as best can be
5 obtained in this case, despite the understandable Guidelines, which
6 take into account only the fact of a sentence rather than what it
7 would take to actually obtain getting to that point.

8 THE COURT: Okay. I have a defendant's statement in
9 support of judicial order of removal and the proposed order for
10 release of certain assets, but the copies given to the Court are not
11 fully executed. Do you have --

12 MR. KELLHOFER: I have the signed copies. May I
13 approach?

14 THE COURT: Please do.

15 (Attorney Kellhofer providing documents to the deputy clerk. The
16 deputy clerk providing documents to the Court)

17 THE COURT: So hypothetically, what happens, Mr.
18 Kellhofer, if the country of last resort won't take him?

19 MR. KELLHOFER: Your Honor, that is a question without an
20 answer, at least from the Office of Immigration -- I'm sorry, the
21 Office of International Affairs. I had spoken with OIA, Office of
22 International Affairs, about deportation to these countries and
23 essentially here's the summary rundown.

24 The best guess belief from our Government, the OIA
25 section, is that it depends largely on the charges. The tax charge

1 has no effect essentially for any country's concern is what it was
2 informed of. The bribery statute, likewise, literally has very
3 little consequence. The immigration statute was the one that would
4 actually potentially cause a hang up if it involved fraudulent
5 identity.

6 In this case, it was not fraudulent identity, it was
7 rather misstatements. So particularly, Israel would apparently have
8 some likely concern over that, but we were informed that all three
9 countries, these charges -- based on the charges, would likely not
10 be a hindrance in this case in terms of the individual being
11 accepted by those countries so long as they had citizenship within
12 those countries. So that's, I guess, the answer I was given.

13 To the question of if all three denied, then it would be
14 the individual's responsibility to return -- to continue -- under
15 immigration law, it's the individual's responsibility to continue to
16 make efforts to obtain the deportation action from those countries
17 or alternatively, to provide a differing location.

18 So where that individual would be housed during that
19 period or whether they would be released into the community during
20 that period would be a matter for immigration. They can make a
21 choice -- at that point, they could administratively hold the
22 individual, which would be a -- it's not considered legally
23 confinement. It would be an administrative detention of that
24 individual. Or they could release the individual based on some of
25 those requirements that are very similar to probation in terms of

1 ability to, you know, check in at certain dates, et cetera.

2 So that's the summary, your Honor.

3 THE COURT: During which time, the Court's term of
4 supervised release would be in force and effect as well.

5 MR. KELLHOFER: That is correct, your Honor.

6 THE COURT: All right. Well, Mr. Zeszotarski, what say
7 you for your client?

8 MR. ZESZOTARSKI: Your Honor, with respect to Ms. Teyf,
9 under the terms of the plea agreement, I think the question for the
10 Court is, is there a term of probation and how long is it.

11 I think there's an agreement of no further incarceration
12 in the case, an agreement as to no further financial penalty beyond
13 the special assessment and the agreed-upon forfeiture amounts.

14 I'll tell your Honor that with respect to Ms. Teyf, she's
15 43 years old. She's got no prior record. She's been under
16 supervision since December of 2018, the end of December.

17 Your Honor notes in the pre-sentence report, she was in
18 custody for seven days according to the first page of the
19 pre-sentence report. She then was released and has had no issues
20 whatsoever under supervision for two and a half years now.

21 I'm not going to belabor the facts. I think Mr.
22 Kellhofer is correct when he says that a settlement in a case like
23 this is something that both sides come away with, with not getting
24 everything that they want and that's certainly true here.

25 Ms. Teyf is in an unusual position, in my experience as a

1 federal criminal defendant, in that she is a defendant, but she's
2 also a victim. And your Honor has seen in some of the filings in
3 this case, some of the evidence that is out there, and there's no
4 question that she's a victim.

5 She is divorced from Mr. Teyf. She has been divorced
6 from Mr. Teyf since March of 2017; and she, frankly, your Honor,
7 looks forward to trying to put this behind her and go on with her
8 life.

9 She has children. She has a young child, an 11 year old,
10 who, frankly, is her focus. She has a 22-year-old daughter that
11 also she's very involved with and who's in Raleigh as well.

12 And I just ask the Court to consider -- with respect to
13 what to do with respect to Ms. Teyf's sentence, you have seven days'
14 credit that's there, and you have the ability to impose probation
15 for a term of -- I think the statute requires a year.

16 And I'd ask the Court to consider in that regard if the
17 Court is -- if the Court -- Mr. Long was telling me that Tatyana was
18 in jail for 13 days. Whether it's seven or 13. If the Court's
19 going to impose a term of probation, I'd just ask the Court to
20 consider that she's been under supervision for two and a half years
21 and has had no issues whatsoever.

22 Happy to give the Court any other further information you
23 would like, but we'd ask the Court to consider all that in deciding
24 what to do.

25 THE COURT: All right. So the factual objections don't

1 have any affect on the Guideline range?

2 MR. ZESZOTARSKI: That's correct, Your Honor.

3 THE COURT: Do you want to be heard further on those?

4 MR. ZESZOTARSKI: I don't, your Honor. I just wanted the
5 Court to be aware with respect to the deportation issue, this is not
6 an offense that requires deportation.

7 We do have immigration counsel who's representing Ms.
8 Teyf and who will deal with the appropriate authorities, but the
9 immigration issue that's been raised by the Government is separate
10 and apart from any consequences of this conviction.

11 THE COURT: Well, the point you're making is you really
12 don't want me to order her surrendered to immigration officials for
13 consideration of deportation.

14 MR. ZESZOTARSKI: That's correct, Your Honor.

15 THE COURT: What says the Government?

16 MR. KELLHOFER: Your Honor, the Government is not
17 requesting that she be turned over to immigration or anything. That
18 agency is fully capable of acting in its own capacity should it seek
19 to enforce deportation or immigration action in the future.

20 And I will say, this is not an individual, unlike other
21 circumstances I suppose, where there's concerns of re-engagement
22 with the individual that would lead to a dangerous encounter or
23 something of that nature.

24 THE COURT: So is it the Government's position that you
25 join in this objection or you don't oppose it?

1 MR. KELLHOFER: We do not oppose it, your Honor.

2 THE COURT: Okay. Now, let's turn to Mr. Teyf and his
3 objections.

4 Mr. Allen, do you want to be heard on that or Mr. Wolf?

5 MR. ALLEN: Your Honor, may it please the Court, Mr. Wolf
6 will respond.

7 THE COURT: Okay.

8 MR. WOLF: Your Honor, as we indicated in our objections
9 that we filed -- and as your Honor has both -- read them in the
10 addendum to the pre-sentence report, we are not seeking the Court to
11 make any determination or to be heard on that. We are before the
12 Court on Rule 32 of the Federal Rules of Criminal Procedure and for
13 sentencing.

14 In this instance, it does not require that the Court
15 determine or make such a ruling if it's unnecessary, of course, they
16 would not affect sentencing.

17 And if the Court's going to impose a sentence in
18 accordance with the agreement, the 60 months, then there's no need
19 to determine that at all. It wouldn't be relevant.

20 THE COURT: Do you want to be heard on a legal objection
21 regarding special conditions?

22 MR. WOLF: Yes, your Honor. Our position is Mr. Teyf is
23 going to be and has agreed to be removed and will be deported from
24 this country. So there will not be any period of time in which he
25 will be at liberty in this country to be supervised or at liberty in

1 the country for any concern of conduct that will occur in this
2 country.

3 Indeed, he's largely agreed to all of the terms here,
4 including the sentence, to achieve a result that he feels is in the
5 best interest of his family as well as to put this case, you know,
6 appropriately behind him and move forward in life.

7 But in terms of supervision, there's no financial terms
8 that will continue in this case. There's no restitution, there's no
9 fine, so there's no -- none of the -- sometimes financial concerns
10 that probation might have about how someone might be able to meet a
11 restitution order or pay restitution payments and have certain
12 employment, none of that would apply to this sentence.

13 So generally for all of those reasons, there's no need
14 for any imposition of the supervisory term.

15 THE COURT: Okay. Does your client want to say anything?

16 DEFENDANT LEONID ISAAKOVICH TEYF: No, your Honor, I
17 don't have any questions.

18 MR. WOLF: Your Honor, is this our statement before the
19 imposition of sentencing?

20 THE COURT: You have an opportunity to be heard. Would
21 you like to be heard further?

22 MR. WOLF: Your Honor, I would just -- yes, just if I
23 could briefly.

24 We appreciate the Court going forward in accordance with
25 the agreement, but this has been a long -- as your Honor is aware, a

1 very long and vigorous case and very aggressively defended and
2 contested.

3 And as far as the defense is concerned, we believe this
4 is a just resolution of this case, a just result of this case and,
5 like I say, it allows Mr. Teyf -- the terms of this resolution, are
6 very much and very responsibly in the interest of his family and his
7 children.

8 It involves the release of a very substantial amount of
9 assets being returned to him and the family such that the family can
10 then have financial ability and support in the future, which is very
11 important to Mr. Teyf that his family be taken care of.

12 And it also achieves, of course, as your Honor is aware,
13 the dismissal of a significant number of charges -- specifically, 37
14 money laundering counts, the murder for hire charge and other
15 offenses as the Government has moved for those to be dismissed as
16 well in connection with the sentence.

17 So for all of that, your Honor, we believe this is a just
18 agreement and I have nothing further to say. Thank you.

19 THE COURT: Okay. Thank you.

20 Mr. Teyf, is there anything you want me to know?

21 DEFENDANT LEONID ISAAKOVICH TEYF: No, thank you, your
22 Honor. I have left everything to my attorneys and they have relayed
23 it to the Court.

24 THE COURT: All right. Thank you.

25 All right. Mr. Long, Mr. Zeszotarski, is there anything

1 else you want me to know about your client?

2 MR. ZESZOTARSKI: No, your Honor. Thank you.

3 THE COURT: Ms. Teyf, you have an opportunity to speak to
4 me before I sentence you. Is there anything you want to note?

5 DEFENDANT TATYANA ANATOLYEVNA TEYF: No, your Honor.

6 THE COURT: All right. Mr. Kellhofer, have I heard the
7 Government fully?

8 MR. KELLHOFER: You have, your Honor.

9 THE COURT: I think it's a thoughtful presentation that
10 you've made. There are problems with the proof. That's underlined
11 in your remarks to the Court, at least in some respects. And
12 there's been an approach by the Government, taking that into
13 consideration and many other things, that has formed this agreement
14 it has entered into with each side. And the sides have obviously
15 worked together in their efforts to resolve this case with respect
16 to the husband and the ex-wife.

17 So I have decided, all things considered, that the
18 agreements should be accepted.

19 I'll dismiss the fourth superseding indictment against
20 you, Ms. Teyf, and sentence you in accordance with the terms of the
21 agreement.

22 I do believe that if you are to be deported, you will be
23 found and you will be deported.

24 I'm going to sentence you to time served and then three
25 years of supervised release.

1 There is a hundred-dollar special assessment.

2 And all the other dismissals and recoveries of assets and
3 loss of assets, as memorialized in the plea agreements, all that
4 will come true in your case.

5 I am going to put you under a mental health treatment
6 program. I assume you're getting mental health treatment now; is
7 that correct?

8 MR. ZESZOTARSKI: She sees a counselor, your Honor. Yes.

9 THE COURT: And I want that to continue as directed by
10 the probation office during supervision.

11 And she'll have to cooperate in the collection of DNA;
12 support her dependents; and provide the probation office with access
13 to any requested financial information.

14 Hundred-dollar special assessment is due immediately.

15 I'm not going to impose a fine in addition to all the
16 other financial terms memorialized.

17 Does your client have any questions about the judgment?

18 MR. ZESZOTARSKI: No, your Honor. I would request, in
19 the written judgment, your Honor, with respect to time served, if
20 the judgment could show the number of days that that constitutes so
21 that the record is clear for immigration purposes.

22 THE COURT: All right. Madam probation officer, we've
23 had an estimate of seven days and one of 13 days. What is your
24 understanding of the amount of time?

25 PROBATION OFFICER RABONE: Our understanding is

1 seven days, your Honor.

2 THE COURT: All right. Seven days then it is.

3 MR. ZESZOTARSKI: Thank you, your Honor.

4 THE COURT: Now, other conditions. You can't break any
5 law, you can't possess a weapon, you can't possess drugs.

6 We have other standard and mandatory conditions which
7 have been adopted in this district. Basically, these are things you
8 should be doing anyway, like allowing the probation officer to come
9 into your residence when requested and other standard and mandatory
10 provisions. And those will be included in the Court's judgment as
11 well.

12 You'll submit to a urinalysis test within 15 days and at
13 least two periodic tests thereafter while under supervision.

14 Ms. Rabone, for the probation office, are there any
15 changes recommended to comply with relevant sentencing law?

16 PROBATION OFFICER RABONE: No, your Honor.

17 THE COURT: All right. Anything further, Mr. Zeszotarski
18 or Mr. Long?

19 MR. ZESZOTARSKI: No, your Honor. Thank you.

20 THE COURT: Mr. Kellhofer, anything as it relates to this
21 defendant?

22 MR. KELLHOFER: No, your Honor.

23 THE COURT: All right. That is the Court's judgment.

24 Now I turn my attention to you, Mr. Teyf. I sentence you
25 to 60 months on Counts 27 and 31 to run concurrently and 36 months

1 on Count 44 to run concurrently.

2 You'll be supervised for three years on Counts 27 and 31
3 and one year concurrent on 44.

4 I'm not going to impose a fine because of the financial
5 provisions discussed earlier that have been agreed to.

6 There is a \$300 special assessment.

7 The other counts against you are now dismissed.

8 While on supervision -- and I have heard the Government
9 indicate in response to the Court a certain scenario where you could
10 possibly stay in this country, though that is certainly not desired.

11 I am entering into the -- now, interestingly, I've been
12 handed a defendant's statement in support of judicial order of
13 removal. This one, too, doesn't have the attorney's signatures on
14 it.

15 So I didn't get anything -- as I look at the final page,
16 Mr. Kellhofer, anything that I didn't already have, which is two
17 unexecuted documents. So I'm going to hand this to the clerk who's
18 going to hand it back to you.

19 Mr. Kellhofer, if you could approach the bench and
20 recover these documents and I'll give the lawyers a chance to confer
21 so that the Court is handed all necessary signatures.

22 (Attorney Kellhofer retrieving documents from the deputy clerk)

23 MR. KELLHOFER: Do you have the other copy, your Honor?

24 THE COURT: Okay. Wait a minute. You're right. I'm
25 handing you back the one that I had. I've got it. Thanks.

MR. KELLHOFER: Yes, your Honor.

THE COURT: All right. So I am entering into the order of release. Is there any order of removal? You've handed me the statement in support. Is there a proposed order of removal or --

MR. KELLHOFER: I did not have an order of removal with me, your Honor. I apologize. It should have just been the judicial -- defendant's statement in support of.

(Attorneys Allen and Kellhofer conferring at counsel table briefly
off the record)

MR. KELLHOFER: I apologize, your Honor. If I may approach.

THE COURT: Certainly.

MR. KELLHOFER: We had had a change with regard to the --

THE COURT: Okay. The court reporter -- you're probably going to need to speak a little bit louder.

MR. KELLHOFER: I'm sorry. We had had a change, your Honor, internally with counsel as to the locations in this order so I wanted to make certain this final copy is in accordance with the copy that you've been given with the other documents, that it would be from the United States and in the first instance, Belarus. Upon refusal of Belarus, in the alternative, Israel. And upon refusal of Israel to accept him, in the alternative, Russia, which should now be in line with the documents you've previously been provided.

THE COURT: Okay.

(Attorney Kellhofer providing documents to the deputy clerk. The

1 deputy clerk providing documents to the Court)

2 THE COURT: It is. And I enter into it.

3 So you're going to be surrendered to an immigration
4 official and considered for deportation. And if ordered deported,
5 as you have affirmed in the execution of the documentation, you will
6 remain outside this country. Do you understand that?

7 DEFENDANT LEONID ISAAKOVICH TEYF: Yes, your Honor. I
8 understand.

9 THE COURT: And if for some reason you're not immediately
10 deported, as indicated, you'll be under supervision.

11 You can't break any law, you can't possess a weapon,
12 can't possess drugs.

13 We have some other standard and mandatory conditions that
14 you'll have to comply with.

15 In addition, a program approved by the probation office
16 for the treatment of addiction or dependency.

17 You won't consume alcohol; you won't go to businesses
18 whose primary product is alcohol; you won't be around people
19 drinking alcohol; and you won't use medicine with alcohol in it
20 unless you have a prescription from a doctor and permission of the
21 probation office.

22 I am requiring mental health treatment for you.

23 As with Ms. Teyf, she has to comply with warrantless
24 searches of her property. You have to do the same.

25 You're going to provide your probation officer with

1 access to any requested financial information. That objection is
2 overruled. However, in the part where you seek to be relieved of a
3 requirement that you get permission before you open up a line of
4 credit, I sustain that part of your objection; but whenever the
5 probation office wants information of a financial nature, you will
6 provide it. Any question about that?

7 DEFENDANT LEONID ISAAKOVICH TEYF: No, your Honor.

8 THE COURT: Okay. Cooperate in the collection of DNA.

9 And, again, like Ms. Teyf, support your dependents.

10 You owe a \$300 special assessment.

11 And in your case, too, I'm not going to impose a fine.

12 All of the other actions that the parties are to be
13 relieved of, the notice of *lis pendens* and other efforts to be
14 undertaken by the Government. If there remains an issue, seven days
15 from today's date, you can bring it to the Court's attention and
16 I'll take it up then.

17 I'm going to tell you both how you can appeal, but before
18 I do that, it's appropriate for me to go back around the room with
19 regard to the judgment pronounced concerning Mr. Teyf.

20 Ms. Rabone, are there any changes recommended by the
21 probation office to comply with relevant sentencing law?

22 PROBATION OFFICER RABONE: No, your Honor.

23 THE COURT: Okay. Does counsel have any matters not
24 already noted?

25 MR. WOLF: Yes, your Honor. We'd ask the Court to

1 recommend designation to Butner.

2 THE COURT: Okay. I'll recommend Butner.

3 And I'm going to recommend his mental health treatment
4 while in the custody of the Bureau of Prisons.

5 MR. WOLF: Your Honor, I'm sorry to interrupt.

6 THE COURT: Go ahead.

7 MR. WOLF: I would also ask that you recommend -- I know
8 it's subject to the Bureau of Prisons approval -- but for the RDAP
9 program as well. As you've noted, the alcohol abuse is certainly in
10 his history. It's certainly noted and documented in the
11 pre-sentence report in multiple paragraphs and it would be certainly
12 to his benefit --

13 THE COURT: Yes. I'll --

14 MR. WOLF: -- to that subject.

15 THE COURT: -- I'll recommend that he get the benefit of
16 substance abuse treatment with regard to alcohol issues while in the
17 Bureau of Prisons, but if you're asking for the residential
18 treatment program, I'm nearly 100 percent sure he won't qualify for
19 that given his immigration status.

20 But also given how rare those bed spaces are, I'm going
21 to leave that bed space for somebody that's going to be staying in
22 this country when he's released. And based on your hope and
23 understanding, that person's not your client.

24 But I do open up the door for just general treatment for
25 alcohol dependency. And I completely agree with you, that that

1 would be -- if he's willing to participate, that would be very
2 useful for him.

3 MR. WOLF: Thank you, your Honor.

4 THE COURT: Okay. Mr. Kellhofer.

5 MR. KELLHOFER: Nothing from the Government other than,
6 your Honor, I don't have the docket entry number, but I will note
7 that the Government's plea agreement with both of the defendants
8 state that the Government will dismiss its motion to show cause and
9 do so with prejudice.

10 We will file a -- on the record -- a written motion to
11 dismiss for that, your Honor.

12 THE COURT: If you want, you can just --

13 MR. KELLHOFER: And I'm happy to do so now. I hate to
14 ask to do so without knowing the docket entry number.

15 THE COURT: All right. Well, let me look it up right
16 now. (Reviewing docket entries). When was it filed to the best of
17 your recollection?

18 MR. ALLEN: March 19th or thereabouts, your Honor.

19 THE COURT: Of this year?

20 MR. ALLEN: Yes, your Honor.

21 THE COURT: Okay. All right. (Reviewing docket
22 entries).

23 All right. The first pending motion I see goes back to
24 August 7th of 2020. It's a motion in limine and that motion is
25 terminated as a result of the judgment.

Now moving on --

MR. ALLEN: Your Honor, I apologize. I misunderstood which document you were asking about. There's a motion to compel if we're talking about the -- back in roughly August of 2019.

THE COURT: But that doesn't relate to what Mr. Kellhofer is discussing, does it?

MR. ALLEN: I may have missed --

THE COURT: Does that relate to what Mr. Kellhofer is discussing? I don't...

(Attorneys Kellhofer and Allen conferring at counsel table briefly
off the record)

THE COURT: Susan, do you have the docket number? I'm looking for it and it's not coming up. What do you think?

THE CLERK: Judge, I'm still looking, but I do see on January 3rd, 2020, at Docket Entry 359, there was a motion for order to show cause, which is not pending at the moment.

THE COURT: Well, Mr. Kellhofer, I'm going to go back around and think that you had a good idea. The onus is on you to find this motion that's referred to in the plea agreement and to do what the plea agreement says so...

MR. KELLHOFER: Absolutely, your Honor.

THE COURT: Okay. You can appeal if you think something is wrong with the conviction or the sentence. You did enter into plea agreements. These plea agreements have benefits to you, of which I have spoken already, including dismissal of the fourth

1 superseding indictment against you, Ms. Teyf, and dismissal of many
2 other charges against you, Mr. Teyf.

3 There are also waivers in those plea agreements, waivers
4 of your rights to appeal. These waivers are generally enforceable.
5 If you believe they're not for some reason, you can present your
6 theory to the court above, but each of you is governed by the same
7 deadline. It's 14 days from today's date.

8 If you can't afford the cost of an appeal, you can apply
9 for permission to appeal for free; and if you request, Ms. Tripp
10 will fill out the appeal paperwork for you.

11 Any questions about your client's appeal rights that I
12 need to address today, Mr. Zeszotarski? Mr. Long?

13 MR. ZESZOTARSKI: No, your Honor. Thank you.

14 THE COURT: All right. Mr. Wolf or Mr. Allen?

15 MR. WOLF: No, your Honor.

16 THE COURT: All right. This concludes today's hearing.
17 Thank you.

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20 (Hearing concluding at 10:58 a.m.)
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25

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NORTH CAROLINA
3

4 CERTIFICATE OF OFFICIAL REPORTER
5

6 I, Michelle A. McGirr, RMR, CRR, CRC, Federal
7 Official Court Reporter, in and for the United States District Court
8 for the Eastern District of North Carolina, do hereby certify that
9 pursuant to Section 753, Title 28, United States Code, that the
10 foregoing is a true and accurate transcript of my stenographically
11 reported proceedings held in the above-entitled matter and that the
12 transcript page format is in conformance with the regulations of the
13 Judicial Conference of the United States.

14
15 Dated this 25th day of March, 2022
16

17 /s/ Michelle A. McGirr
18 MICHELLE A. McGIRR
19 RMR, CRR, CRC
20 U.S. Official Court Reporter
21
22
23
24
25